



**MINUTES  
SPECIAL COMMISSION MEETING  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Tuesday, May 12, 2015 at 6:30pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 6:30pm.

**2 Roll Call**

Mayor David Coviello - present

Vice Mayor Fred Jonas - present

Commissioner Bob Anderson - present (*via telephone*)

Commissioner Roxanna Ross - present

Commissioner Barbara Watts - absent (*arrived at 6:33pm*)

Present from staff were:

Village Manager Heidi Siegel

Village Clerk Maria C. Camara

Village Attorney John Hearn

Public Services Manager Krishan Manners

Police Chief Cornelius McKenna

Parks & Recreation Manager Shelecia Bartley

Assistant Public Works Manager Cesar Hernandez

**3 Pledge of Allegiance**

**4 Presentations**

**5 Additions, Deletions or Withdrawals to the Agenda**

**6 Public Comments Related to Agenda Items / Good & Welfare**

Barbara Kuhl: On the log cabin project, there are problems with the process. Since it stated no bids over \$500,000, why were you entertaining all the bids that were over? They were non-responsive. Architect was concerned of cuts that were proposed without his review. Whole process was flawed. How are we proceeding if no bids were within the \$500,000? Maybe some did not pursue because of the cap. We are shorting ourselves. It was mentioned that Heisenbottle design is the "Mercedes Benz". This is a historic building. The jewel of our neighborhood. We were given funding for historic preservation. Do not want to see any limitations. Don't want a "Yugo". Figure out how to supplement. We raised money for art pieces. Ask residents to donate, for commemorative bricks. Raise the money and do it the right way.

Linda Dillon: On 10.a, records retention, originally in favor to continue to purge which is in accordance with State mandates. Clarifies that only reviewing building permits and that code compliance documentation is separate. The more I discussed this with other residents and members of the Code Compliance Board, I questioned whether or not this was the right decision. Spent the day calling other cities. Not all forthcoming with information, but those that did, they shared a common theme that if they had the space, they would maintain and others digitally scan them. Spoke with Miami Shores who keep all records, as well as North Miami who keep all records pertaining to structure, but throw out paint permits. Spoke with Steve Bernard and he also agreed that we should find a way to keep these records. I have now changed my mind. Would like to look for a way to keep the records permanently. Look for space in Public Works once the Annex building is completed, or look to scan the documents and I would continue to volunteer my services to assist in that project.

Steve Bernard: On the resolution for the log cabin contract, there was no information on the website. You don't pay contractor to do value engineering. Architect does it and if needed, you re-bid it. If costs are more than what we have and you go forward without having money, then that would be a dis-service to this Village. If you are going to borrow more money, you need to do a better job on informing the residents unlike what was done on the last decision to borrow. On records retention, if you throw out permits, it would be insane. We are going to have three buildings and people willing to help scan. To lose that permit, planning and historical information does nobody any good. On annexation, cannot believe you are still spending time and money on this when you know we have no chance. North Miami is not going to withdraw their application. If you want to continue to be the spoiler for North Miami, you can say good bye to any reasonable discussion we can have with them regarding our

water. We keep putting off this discussion with them and other capital improvement plans. People in Biscayne Park don't want annexation. There are only a handful of people. The rest of us are concerned that you will be pulling police services from our area to police that area. I speak for a lot of neighbors that don't want our cops leaving our area. You will not be able to make this work. You have no plan. On sanitation, the assessment was passed last month with little discussion. You heard from hundreds that we did not want to outsource. Now you pass the assessment without discussing how it's working or how many complaints there have been. In addition, you pass the assessment with \$100,000 in administrative fees that don't go to the contractor. At least when we did it, you could pretend that those administrative fees covered the cost for the Manager and Finance Director. Now that we pay someone else, if we are spending money, \$100,000, to facilitate this contract, we are wasting money. Ask the Attorney whether this was transparent the way that it was passed.

## **7 Information / Updates**

### **7.a FY 2014-15 Monthly Financials ending 03/31/2015**

Manager Siegel provided a summary of the financials through March 31st.

## **8 Resolutions**

### **8.a Resolution 2015-28**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **TERMINATING THE PROFESSIONAL SERVICES AGREEMENT WITH THE NON-PROFIT ASSISTANCE CENTER, INC.**, DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE NON-PROFIT ASSISTANCE CENTER, INC. AS NOTICE OF TERMINATION OF THE PROFESSIONAL SERVICES AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Manager Siegel provided the background.

After discussion, Commissioner Ross makes a motion to approve Resolution 2015-28 and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson and Commissioner Ross.

Opposed: Commissioner Watts

Motion carries: 4/1

### **8.b Resolution 2015-00**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN < > AND THE VILLAGE OF BISCAYNE PARK FOR RESTORATION OF THE VILLAGE LOG CABIN; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title as is.

Manager Siegel: Pulling the item at this time. Provided a summary to date of the bid process including the Review Committee's recommendation to select McKenzie Construction LLC, and to direct the Manager to further negotiate. Will be meeting with McKenzie Construction and Architect Richard Heisenbottle this week, and will defer the item to date certain Tuesday, May 19th at 6:30pm.

## 9 Old Business

### 9.a Chapter 5 Proposed Code Changes

Attorney Hearn recapped the changes made at the May 5th meeting which have been incorporated in the draft submitted.

After further discussion on section **5.6 Off-street parking**, the following changes were agreed upon by the Commission:

5.6.1 (a) (2): Take out the five (5) year and ten (10) year limitations and work in the 50% substantial repair concept. *Existing non-conforming driveways permitted by the Village may remain unless a substantial portion, 50% or greater, requires repair, or an addition to the driveway occurs.*

5.6.8 (a): *All driveways shall be of approved materials except as otherwise provided below.*

On section 5.6.8 (d) regarding an engineer's determination, have the Building Official review the language.

On section 5.6.8 (f) regarding the requirements for gravel driveways, specifically on the required border to contain the gravel, continue to research independently and come back with suggestions.

On section **5.3 Rights-of-way**, the Commission discussed the issue of the responsibility for removal of dead or diseased trees in the swale. The current language in the draft came as a result of the joint meetings between Code Review and the Parks & Parkway Advisory Boards.

After discussion, Commissioner Ross makes a motion to amend the language to state that the adjoining property owner is responsible for not only the maintenance of the trees, but also for the removal of dead or diseased trees. It is seconded by Vice Mayor Jonas.

Steve Bernard: The commission needs to acknowledge that a change is being made for a specific issue. If you now want to clarify the language and make it the property owner's responsibility, you need to notice everyone that will be affected before you make a decision. You must also find out how many properties there are.

Attorney Hearn: Recommends updating the language because of the prior case where the Code Compliance Board felt the language was ambiguous.

The motion is called to a vote:

All in favor: Mayor Coviello, Vice Mayor Jonas, Commissioner Anderson and Commissioner Ross.

Opposed: Commissioner Watts

Motion carries: 4/1

At the next meeting in June, continue reviewing the next section of Chapter 5.

## **10 New Business**

### **10.a Records Retention - as requested by Commissioner Anderson**

Clerk Camara provided a summary of the current separation of the building permit records. As per the GS-1 Schedule for records retention as provided by the State of Florida, municipalities are required to retain completed building permit documentation for 10 years plus 1.

After comments from the Commission to look for ways in which we could retain the records permanently, Manager Siegel recommends that Staff research the different options available and provide a presentation at the July commission meeting.

## **11 Reports**

### **11.a Village Manager**

Annexation Update: Met with North Miami City Manager on application. He is suggesting that we split the Biscayne Boulevard frontage. The Village would keep the light industrial and residential area, and North Miami would take the office building. Manager Siegel does not feel this is logical and not in our best interest. The County would not be amenable to this suggestion. The Village application is scheduled for the June 1st meeting of the County Planning Advisory Board. Notices will be sent to those in the radius of the area. North Miami application will also be heard on that agenda.

Annex building construction: Continue to work with contract and remain on schedule.

FDOT work on Sixth Avenue: On last phase to complete.

FY 2015-16 Budget Calendar provided listing all of the tentative meeting schedules and required deliverables.

### **11.b Village Attorney**

The Commission was advised of a police battery issue. Has been forwarded to the Florida League of Cities.

On the case regarding former FHP Officer Watts, the Florida League of Cities has filed a motion to dismiss.

## 12 Announcements

Wednesday, May 13th - Public Art Advisory Board at 6:00pm  
Saturday, May 16th - Art in the Park / Music Festival from 3:00pm to 8:00pm  
Monday, May 18th - Planning & Zoning at 6:30pm  
Monday, May 18th - Ecology Board at 6:30pm  
Tuesday, May 19th - Special Commission Meeting at 6:30pm  
Tuesday, May 19th - Crime Watch Meeting at 7:00pm  
Wednesday, May 20th - Parks & Parkway Advisory Board at 6:00pm  
Monday, May 25th - All Village Departments are Closed for Memorial Day  
Tuesday, May 28th - Recreation Advisory Board at 7:00pm  
Monday, June 1st - Planning & Zoning Board at 6:30pm

The next regular commission meeting is Tuesday, June 2, 2015, at 7:00pm.

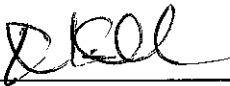
## 13 Adjournment

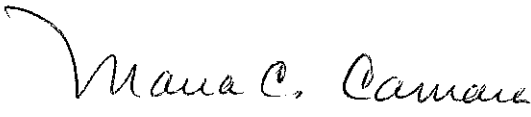
The meeting was adjourned at 8:37pm.

---

Commission approved on June 2, 2015.

Attest:

  
\_\_\_\_\_  
David Coviello, Mayor

  
\_\_\_\_\_  
Maria Camara, Village Clerk